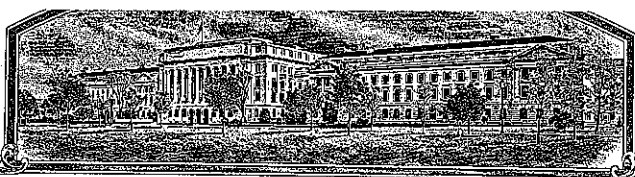


No.

9800375



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

Resource Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

TRITICALE

'815'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this tenth day of June, in the year two thousand two.



Attest:

Q. M. Jubel

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

And Greenman

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)

Resource Seeds, Inc.

2. TEMPORARY DESIGNATION OR
EXPERIMENTAL NUMBER
RSI 815

3. VARIETY NAME

815

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

2280 Hecker Pass Hwy.
Gilroy, CA 95020

5. TELEPHONE (include area code)

408-847-1051

6. FAX (include area code)

408-847-0604

FOR OFFICIAL USE ONLY

PVPO NUMBER

9800375

F
I
L
I
N
G

DATE

9/16/1998

7. GENUS AND SPECIES NAME

Triticosecale Wittmack

8. FAMILY NAME (Botanical)

Gramineae

FILING AND EXAMINATION FEE:

\$ 2,450

DATE

9/16/1998

9. CROP KIND NAME (Common name)

Triticale

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name)

Corporation

CERTIFICATION FEE:

\$ 320.00

11. IF INCORPORATED, GIVE STATE OF INCORPORATION

California

12. DATE OF INCORPORATION

October 1, 1990

DATE

4-11-2002

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS

Dr. George Fohner
Resource Seeds, Inc.
p.O. Box 1319
Gilroy, CA 95021

14. TELEPHONE (include area code)

408-847-1051

15. FAX (include area code)

408-847-0604

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

- a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of the Variety
d. ☒ Exhibit D. Additional Description of the Variety (Optional)
e. ☒ Exhibit E. Statement of the Basis of the Applicant's Ownership
f. ☒ Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)
g. ☒ Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO)

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)
☐ YES (If "yes," answer items 18 and 19 below) ☒ NO (If "no," go to item 20)

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☒ NO

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES?

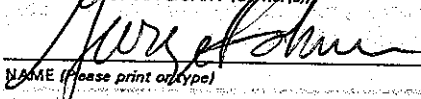
☒ YES (If "yes," give names of countries and dates) USA Sept 1998 ☐ NO Prior to September 1998, only used for demonstration trials and seed multiplication under contractual control of two companies licensed by Resource Seeds to test and multiply seed.

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s))



NAME (Please print or type)

George Fohner

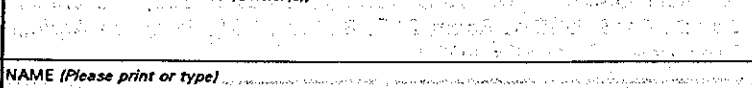
CAPACITY OR TITLE

President

DATE

9/9/98

SIGNATURE OF APPLICANT (Owner(s))



NAME (Please print or type)

CAPACITY OR TITLE

DATE

Exhibit A
Origin and Breeding History
Triticale "815"

Triticale "815" originated from a three-way cross, Lasko 201/C463//A313, made in Hollister, CA in 1987. Lasko is a midtall triticale variety developed in Poland and at one time widely grown in Europe. Lasko 201 was a line developed by chemical mutation of Lasko by Dr. Stanislaw Nalepa, the breeder of "815". C463 is a triticale line developed by Dr. Tadeuse Wolski, cereal breeder of the Polish State Plant Breeding Institute. C463 was not released as a variety but was retained for breeding purposes as part of Dr. Wolski's triticale collection at Laski Breeding Station. In 1985, seed of C463 was provided by Dr. Wolski to Dr. Charles Jenkins, whose triticale breeding program and germplasm collection including the C463 accession was later acquired by Resource Seeds, Inc. from Pioneer Hi-Bred International, Inc.. The triticale A313 is another breeding line purchased by Resource Seeds as part of the Jenkins breeding program. It was the result of a cross made by Dr. Jenkins in 1966 between two hexaploid triticale lines, X22536 and 6[T]B469. X22536 was a line in the triticale germplasm collection of CIMMYT (International Center for Improvement of Maize and Wheat). 6[T]B469 was a line in the Jenkins collection that resulted, we believe, from a cross between a CIMMYT spring-type wheat breeding line containing *timopheevi* cytoplasm and a winter-type hexaploid triticale line from the triticale collection at University of Manitoba.

Progeny of the three-way cross from which "815" originated were carried on as a modified bulk in the F2 and F3 generations. A single head to row selection was employed in the F4 and F5 generations. A single head was selected from the F5 head rows to fix the type. After production of the F6, one hundred (100) F7 rows were grown out to check uniformity and eliminate variants. "815" resulted from the bulk of those rows that were uniform and true to type.

815 includes a variant that constitutes approximately 3% of the population and that is five to ten cm taller than the norm.

The variety "815" has been observed to be uniform and stable over six generations of seed production.

Exhibit B
Statement of Distinctness
Triticale "815"

Triticale 815 is most similar to the triticale variety "Lasko". 815 differs from Lasko in maturity as reflected in heading an average of six (6) days earlier than Lasko (Table 1), and in being approximately eleven (11) cm shorter than Lasko (Table 2).

815 19

815 19

Table 1. Maturity of triticale "815" compared to "Lasko" triticale

		815 Heading Date	Lasko Heading Date	Difference (days)
Gilroy, CA	1998	04/23	04/29	-6
Hollister, CA	1997	04/22	04/28	-6
Gilroy, CA	1996	04/24	04/28	-4
Gilroy, CA Site 2	1996	04/24	04/30	-6
Hollister, CA	1995	04/24	04/30	-6
Hollister, CA Site 2	1995	04/23	04/28	-5
AVERAGE				-6

Statistically significant difference in maturity, $p < 0.001$ by Paired t-Test

Table 2. Height of triticale "815" compared to "Lasko" triticale

		815	Lasko	Difference
			cm	
Gilroy, CA	1998	116	127	-11
Hollister, CA	1997	120	130	-10
Gilroy, CA	1996	115	127	-12
Hollister, CA	1995	120	132	-12
Average		118	129	-11

Statistically significant difference in height, $p < 0.001$ by Paired t-Test

FORM GR-470-33
(8/75)U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782
OBJECTIVE DESCRIPTION OF VARIETY
TRITICALE

NAME OF APPLICANT(S) Resource Seeds, Inc.	VARIETY NAME OR TEMPORARY DESIGNATION RSI 815
ADDRESS (Street and No., or P.O. Box, City, State, and ZIP Code) P.O. Box 1319 Gilroy, CA 95021	FOR OFFICIAL USE ONLY PVPO NUMBER 9800375

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. or) when number is either 99 or less or 9 or less.

1. GROWTH HABIT:

<input type="text" value="3"/>	1 = SPRING	2 = INTERMEDIATE	3 = WINTER
<input type="text" value="2"/>	Juvenile Plant Growth:	1 = PROSTRATE	2 = SEMIPROSTRATE
		3 = ERECT	
<input type="text" value="2"/>	Photoperiod:	1 = INSENSITIVE	2 = SENSITIVE

2. PLOIDY:

<input type="text" value="1"/>	1 = HEXAPLOID	2 = OCTOPLOID	3 = OTHER (Specify) _____
<input type="text" value="4"/> <input type="text" value="2"/>	2n CHROMOSOME NUMBER		

3. MATURITY (50% Flowering):

<input type="text" value="3"/>	1 = VERY EARLY	2 = EARLY	3 = MIDSEASON	4 = LATE	5 = VERY LATE
<input type="text" value="0"/> <input type="text" value="5"/>	DAYS EARLIER THAN LASKO.....			<input type="text" value="6"/>	1 = CARMACK
					2 = ROSNER
<input type="text" value="0"/> <input type="text" value="0"/>	DAYS LATER THAN			<input type="text" value="0"/>	3 = PATHFINDER
					4 = 6TA 204
					5 = ARMADILLA
					6 = LASKO

4. HEIGHT:

<input type="text" value="1"/> <input type="text" value="1"/> <input type="text" value="8"/>	CM. HIGH	IN CA	<input type="text" value="4"/>	1 = DWARF	2 = SEMIDWARF	3 = SHORT
				4 = MIDTHALL	5 = TALL	
<input type="text" value="1"/> <input type="text" value="1"/>	CM. SHORTER THAN LASKO.....			<input type="text" value="6"/>	1 = CARMACK	2 = ROSNER
					3 = PATHFINDER	
<input type="text" value="0"/> <input type="text" value="0"/>	CM. TALLER THAN			<input type="text" value="0"/>	4 = 6TA 204	5 = ARAMADILLA
					6 = LASKO	

5. PLANT COLOR AT BOOT STAGE:

<input type="text" value="2"/>	1 = YELLOW GREEN	2 = GREEN	3 = BLUE GREEN
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6. STEM:

<input type="text" value="1"/>	Anthocyanin:	1 = ABSENT	2 = PRESENT
<input type="text" value="3"/>	Neck Hairiness:	1 = NONE	2 = SLIGHT
		3 = MODERATE	4 = HEAVY
<input type="text" value="1"/>	Shape Of Neck:	1 = STRAIGHT	2 = WAVY
		3 = OTHER (Specify) _____	

7. LEAVES:

<input type="text" value="1"/>	Flag Leaf:	1 = NOT TWISTED	2 = TWISTED	<input type="text" value="3"/> <input type="text" value="3"/>	CM. LEAF LENGTH: 1st Leaf Below Flag Leaf
<input type="text" value="2"/>	Waxy Bloom On Leaf At Boot:	1 = ABSENT	2 = PRESENT	<input type="text" value="2"/> <input type="text" value="1"/>	MM. LEAF WIDTH: 1st Leaf Below Flag Leaf
<input type="text" value="2"/>	Leaf Carriage:	1 = UPRIGHT	2 = RECURVED	<input type="text" value="1"/>	Auricle Color: 1 = COLORLESS OR WHITE
		3 = DROOPING			2 = PURPLE
					3 = OTHER (Specify) _____

8. HEAD:

<input type="checkbox"/> 2	Density:	1 = LAX	2 = MIDDENSE	3 = DENSE		
<input type="checkbox"/> 1	Shape:	1 = FUSIFORM	2 = OBLONG	3 = CLAVATE	4 = ELLIPTICAL	5 = OTHER (Specify) _____
<input type="checkbox"/> 4	Awedness:	1 = AWNLESS	2 = APICALLY AWNLETTERED	3 = AWNLETTERED	4 = AWNED	
<input type="checkbox"/> 1	Awn Color:	1 = WHITE	2 = YELLOW	3 = TAN	4 = BROWN	5 = BLACK
<input type="checkbox"/> 1	<input type="checkbox"/> 3	CM. HEAD LENGTH		<input type="checkbox"/> 1	<input type="checkbox"/> 5	MM. HEAD WIDTH

9. GLUMES AT MATURITY:

<input type="checkbox"/> 1	Pubescence:	1 = GLABROUS	2 = SLIGHTLY PUBESCENT	3 = PUBESCENT		
<input type="checkbox"/> 1	Color:	1 = WHITE	2 = YELLOW	3 = TAN	4 = BROWN	5 = BLACK
<input type="checkbox"/> 3	Length:	1 = SHORT	2 = MIDLONG	3 = LONG	<input type="checkbox"/> 2	Width: 1 = NARROW 2 = MIDWIDE 3 = WIDE
<input type="checkbox"/> 1	Shoulder:	1 = WANTING	2 = OBLIQUE	3 = ROUNDED	<input type="checkbox"/> 3	Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE
		4 = SQUARE	5 = ELEVATED	6 = APICULATE		

10. COLEOPTILE COLOR:

<input type="checkbox"/> 2	1 = WHITE	2 = GREEN	3 = PURPLE
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11. SEED:

<input type="checkbox"/> 3	Shape:	1 = OVATE	2 = OVAL	3 = ELLIPTICAL			
<input type="checkbox"/> 2	Smoothness:	1 = SMOOTH	2 = SLIGHTLY WRINKLED	3 = WRINKLED			
<input type="checkbox"/> 3	Brush Area:	1 = SMALL	2 = MIDSIZE	3 = LARGE			
<input type="checkbox"/> 3	Brush Length:	1 = SHORT	2 = MIDLONG	3 = LONG			
<input type="checkbox"/>	Phenol Reaction:	1 = IVORY	2 = FAWN	3 = LIGHT BROWN	4 = BROWN	5 = BROWN BLACK	
<input type="checkbox"/> 3	Color:	1 = WHITE	2 = AMBER	3 = RED	4 = PURPLE	5 = BLACK	6 = OTHER (Specify) _____
<input type="checkbox"/> 5	<input type="checkbox"/> 5	GMS. PER 1,000 SEED					

12. DISEASE (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Tolerant):

<input type="checkbox"/>	STEM RUST (Races) _____	<input type="checkbox"/> 3	LEAF RUST (Races) _____
<input type="checkbox"/>	STRIPE RUST (Race) _____ 0	<input type="checkbox"/> 0	ERGOT
<input type="checkbox"/>	POWDERY MILDEW _____ 0	<input type="checkbox"/> 0	BACTERIAL STRIPE
<input type="checkbox"/> 3	SEPTORIA	<input type="checkbox"/> 3	YELLOW DWARF
<input type="checkbox"/>	OTHER (Specify) _____	<input type="checkbox"/>	OTHER (Specify) _____

13. INSECT (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Tolerant):

<input type="checkbox"/> 0	GREENBUG	<input type="checkbox"/>	GP	<input type="checkbox"/>	A	<input type="checkbox"/>	B	<input type="checkbox"/>	C
<input type="checkbox"/> 0	CEREAL LEAF BEETLE	<input type="checkbox"/>	D	<input type="checkbox"/>	E	<input type="checkbox"/>	F	<input type="checkbox"/>	G
<input type="checkbox"/>	OTHER (Specify) _____								

14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	VARIETY
PLANT TILLERING	LASKO
WINTER HARDINESS	LASKO
AREA OF ADAPTATION	102
SEED SHAPE	JENKINS

REFERENCES:

L. W. Briggie and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, USDA.

W. E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, Contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts.

COMMENTS:

Exhibit D
Additional Description
Triticale "815"

The triticale variety "815" is a hexaploid, photoperiod-sensitive, winter-type triticale adapted to the Pacific Northwest, Southern Plains and Intermountain regions, and possibly Northeast. Its maturity is intermediate (midseason), reaching 50% heading approximately six (6) days earlier than the triticale variety "Lasko", and reaching 50% flowering approximately five (5) days earlier than Lasko. It has good winterhardiness, though it is not as winterhardy as "102" or "Jenkins".

Coleoptiles of 815 are green and juvenile growth is semiprostrate. At boot stage, plant color is green and the leaves have a waxy bloom. Plant height of 815 at maturity is intermediate, approximately 11 cm shorter than Lasko and 40 cm shorter than 102, except for variants that have one or more tillers that are five to ten cm taller than the norm. 815 does not have anthocyanin in the stem. Auricles are colorless or white. Its neck is straight and moderately hairy. Leaf carriage is recurved; flag leaf is not twisted.

Heads of 815 are middense, fusiform, and fully awned. Awn color is white. Glumes at maturity are glabrous, white to brownish, long, and midwide. The shoulder of the glumes is wanting, and the beak is acuminate.

Seed of 815 is red, elliptical, and slightly wrinkled. The brush area is large, and its length is long. Seed weight is approximately 55 grams per 1000 under good growing conditions.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Resource Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER RSI 815	3. VARIETY NAME 815
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) P.O. Box 1319 Gilroy, CA 95021	5. TELEPHONE (include area code) 408/847-1051	6. FAX (include area code) 408/847-0604
7. PVPO NUMBER 9800375		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☒ YES ☐ NO
If no, give name of country _____

10. Is the applicant the original breeder? If no, please answer the following: ☒ YES ☐ NO

a. If original rights to variety were owned by individual(s):
Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country _____

☐ YES ☐ NO

b. If original rights to variety were owned by a company:
Is the original breeder(s) U.S. based company? If no, give name of country _____

11. Additional explanation on ownership (If needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.